

Remarks/Arguments:

Claims 1-8 are pending in the above-identified application.

Claims 1, 4 and 8 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Homme et al., Tanaka et al. and Ida et al. It is respectfully submitted, however, that the claims are now patentable over the art of record for the reasons set forth below. Applicants' invention, as recited by claim 1, includes features which is neither disclosed nor suggested by the art of record, namely:

... providing a **substrate holder including** ...

... a second frame **having an opening** and situated adjacent to the first frame ... (Emphasis added).

Ida et al. includes a chamber 43 with deposition sources 44, 46 for deposition on substrate 60. (Figs. 5A and 5B). As shown at Fig. 5B, openings 61 and 63 are located between the substrate 60 and chamber 43. The Office Action argues that Ida et al. teach that the openings 61 and 63 are provided adjacent substrate 60. The Office Action further argues that these openings 61, 63 (at Fig. 5 B) are provided to avoid uniformity defect in deposition and it would, therefore, be obvious to provide an opening in the frame adjacent the substrate of Ida et al. to avoid uniformity defect in deposition. (Office Action, page 4, lines 9-12).

The openings 61, 63 (at Fig. 5B) of Ida et al, however, are **not part of a substrate holder**. Ida et al. discloses that the substrate may be held by a substrate holder. Ida also discloses, however, that **a substrate holder is not shown** at Fig. 5B. (Col. 4, lines 49-50). That is, Fig. 5B does not disclose a substrate holder having openings. Thus, Ida et al. does not disclose **a substrate holder which includes** "... a second frame **having an opening** and situated adjacent to the first frame," as recited in claim 1.

Applicants assume, therefore, that the Office Action is arguing that it is "inherent" for a substrate holder in Ida et al. to have openings. To establish inherency, however, "... the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference ... Inherency, however, may not be established by probabilities or possibilities." *In re Schreiber*, 128 F.3d 1473, 1477, 44USPQ2d 1429, 1431 (Fed. Cir. 1997). If the Office Action is arguing that it is "inherent" for a substrate holder in Ida et al. to have openings to avoid uniformity defect in deposition, Applicants submit that the

Office Action must show that it is "necessary" for Ida et al. to have a substrate holder with openings.

Thus, claim 1 is allowable over the art of record.

Claim 4, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 4 is also allowable over the art of record for reasons similar to those set forth above with regard to claim 1. Claim 8 depends from claim 4. Accordingly, claim 8 is also allowable over the art of record.

Claims 2 and 5 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Homme et al., Tanaka et al., Ida et al. and Patadia et al. These claims are allowable, however, because they depend from allowable claims.

Claims 3 and 6 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Homme et al., Tanaka et al., Ida et al. and Hiroki et al. These claims are allowable, however, because they depend from allowable claims.

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Homme et al., Tanaka et al., Ida et al. and Won et al. This claim is allowable, however, because it depends from an allowable claim.

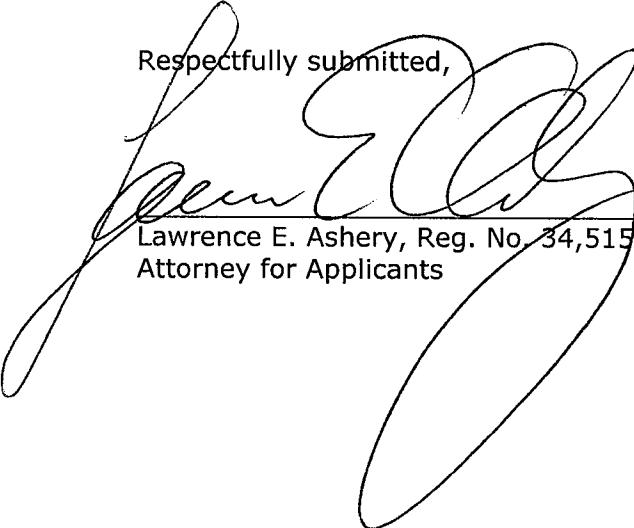
Claim 7 has also been amended to replace the term "tabs" with "supports" to be more clear. Basis for this amendment may be found in the specification at page 12, lines 10-13 and Figure 6. No new matter has been added.

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In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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